

---

**Federal Communications Commission**

---

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	File No.: EB-05-LA-308
CB & Ham Radio Shop	)	
	)	Citation No.: C20063290004
Ontario, California	)	

**CITATION**

**Released: May 10, 2006**

By the District Director, Los Angeles District Office, Western Region, Enforcement Bureau:

1. This is an Official Citation issued pursuant to Section 503(b) of the Communications Act of 1934, as amended ("Act"),<sup>1</sup> to CB & Ham Radio Shop, for violation of Section 302(b) of the Act,<sup>2</sup> Section 2.803(a)(1), Section 2.815(b), and Section 2.815(c) of the Commission's Rules.<sup>3</sup>

2. An investigation by the Enforcement Bureau's Los Angeles Office revealed that on April 13, 2006, CB & Ham Radio Shop offered for sale non-certified Citizens Band ("CB") transceivers, namely, Galaxy Models DX88 & DX99 modified for CB use, and Texas Star External Radio Frequency Power Amplifiers for CB use. According to Commission's records, these devices have not received an FCC equipment authorization which is required for CB transmitters marketed in the United States.

3. Section 302(b) of the Act provides:

"No person shall manufacture, import, sell, offer for sale, or ship devices or home electronic equipment and systems, or use devices, which fail to comply with regulations promulgated pursuant to this section." Section 2.803(a)(1) of the Rules provides that "...no person shall sell or lease, or offer for sale or lease (including advertising for sale or lease), or import, ship or distribute for the purpose of selling or leasing or offering for sale or lease, any radio frequency device unless: (1) In the case of a device subject to certification, such device has been authorized by the Commission in accordance with the rules in this chapter and is properly identified and labeled..."

CB & Ham Radio Shop's offer for sale of these devices violates both sections.

---

<sup>1</sup> 47 U.S.C. § 503(b)(5).

<sup>2</sup> 47 U.S.C. § 302a(b).

<sup>3</sup> 47 C.F.R. §§ 2.803(a)(1), 2.815(b), 2.815(c).

## Federal Communications Commission

---

4. Additionally, dual use CB and amateur radios of the kind at issue here may not be certificated under the Commission's rules.<sup>4</sup>

5. In addition to the marketing of the non-certified transceivers addressed above, CB & Ham Radio Shop is warned that Section 2.815(c)<sup>5</sup> of the Commission's Rules requires FCC Type Acceptance or (Certification) of External Radio Frequency Power Amplifiers (or amplifier kits) capable of operation on any frequency below 144 MHz. Furthermore, Section 2.815(b)<sup>6</sup> of the Commission's Rules prohibits the marketing of External Radio Frequency Power Amplifiers (or amplifier kits) capable of operating on any frequency between 24 and 35 MHz.

6. Subsequent violations of the Communications Act or of the Commission's Rules may subject the violator to substantial monetary forfeitures not to exceed \$11,000 for each such violation or each day of a continuing violation, seizure of equipment through *in rem* forfeiture action, and criminal sanctions including imprisonment.

7. CB & Ham Radio Shop may request a personal interview at the closest FCC location to its place of business, which is Federal Communications Commission, 18000 Studebaker Road, Suite 660, Cerritos, CA 90703. You may contact this office by telephone at 562-865-0598. CB & Ham Radio Shop may also submit a written statement to the Los Angeles District Office at the address indicated above, within 30 days of the date of this Citation. Any written statements should specify what actions have been taken to correct the violations outlined above. When corresponding with the Commission, case number EB-05-LA-308 should be referenced.

8. Any statement or information provided by you may be used by the Commission to determine if further enforcement action is required.<sup>7</sup> Any knowingly or willfully false statement made in reply to this Citation is punishable by fine or imprisonment.<sup>8</sup>

### FEDERAL COMMUNICATIONS COMMISSION

Catherine Deaton  
District Director  
Los Angeles District Office  
Western Region  
Enforcement Bureau

---

<sup>4</sup> 47 C.F.R. § 95.655(a); *see also* FCC 88-256, 1988 WL 488084 (August 17, 1988). This clarification was added to explicitly foreclose the possibility of certification of dual use CB and amateur radios, *see id.*, and thereby deter use by CB operators of frequencies allocated for amateur radio use.

<sup>5</sup> 47 C.F.R. § 2.815(c).

<sup>6</sup> 47 C.F.R. § 2.815(b).

<sup>7</sup> *See* Privacy Act of 1974, 5 U.S.C. § 552a(e)(3).

<sup>8</sup> *See* 18 U.S.C. § 1001 *et seq.*